

REMARKS

Claims 6 and 9 have been corrected since “hydroxymethylcellulose” was misspelled in the application as filed.

In the outstanding Office Action, restriction to one of the following inventions was required under 35 United States Code §121:

- I. Claims 1-6 drawn to a method of making a nonwoven fabric, classified in Class 264, subclass 109;
- II. Claims 7 and 11 drawn to a nonwoven fabric, classified in Class 442, subclass 327; and
- III. Claims 8 -10 drawn to a polymer binder, classified in Class 156, subclass 332.

Applicant elects the invention of Group I, that is, Claims 1 to 6, with traverse, for the following reasons.

The inventions of Group I and Group II are related as a process of making and the product made as the Examiner has pointed out in the outstanding Office Action.

Regarding Claim 7 of Group II, it is pointed out that this product cannot, by definition, be made by a process materially different than that of Group I because Claim 7 depends from Claim 1. The *Restriction Requirement* with respect to Claim 7 should accordingly be withdrawn.

The *Restriction Requirement* with respect to Claim 11 of Group II should also be withdrawn for the reasons discussed below. The invention claimed in Group III is related to the invention claimed in Group I inasmuch as identical materials and methodology is recited. In this regard, compare Claim 3, 5 and 6 of Group I with Claims 8 and 10 of Group III, reproduced below.

Claim 3, 5, 6, Group I	Claims 8, 10, Group III
3. The method of claim 1, wherein the binder comprises one or more polymer compositions selected from the group consisting of vinyl acetate homopolymers, ethylene vinyl acetate copolymers, copolymers of vinyl acetate with vinyl esters of long-chain saturated aliphatic carboxylic acids with lengths up to C ₁₈ , vinyl acetate/veova copolymers and mixtures thereof.	8. A polymer binder composition for use in the consolidation of nonwoven fabric webs for application in cigarette filters comprising one or more polymer compositions and one or more high molecular weight protective colloids, wherein the polymers are polymerized from monomers selected from the group consisting of ethylene, vinyl acetate and vinyl esters of aliphatic carboxylic acids with chain lengths of up to C ₁₈ .
5. The method of claim 1, wherein the one or more stabilizing agents are high molecular weight protective colloids.	10. The polymer binder composition of claim 8, wherein the polymer composition is selected from the group consisting of vinyl acetate
6. The method of claim 5, wherein the high molecular weight protective colloids are selected from the group consisting of polyvinyl alcohol, ethylcellulose, hydroxyethylcellulose, methylcellulose, hydroxymethylcellulose, carboxymethylcellulose, sodium potassium and magnesium salts of carboxymethylcellulose, dextrins, gum arabic and mixtures thereof.	homopolymers, ethylene vinyl acetate copolymers, copolymers of vinyl acetate with vinyl esters of long-chain saturated aliphatic carboxylic acids with lengths up to C ₁₈ , vinyl acetate/veova copolymers and mixtures thereof.

Moreover, the subject matter claimed in Claim 11 is related to the subject matter of Claims 8 to 10 in that it is dependent on Claim 8 and is thus not distinct from Group III for the reasons noted above in connection with Claim 7 with respect to Group I. That is to say, the nonwoven fabric of Claim 11 necessarily incorporates the binder composition of Claim 8.

Applicant is entitled to claim a reasonable number of species, in any event, provided that there is not an undue burden as to search and examination. Applicants respectfully request that the *Restriction Requirement* be reconsidered as it is not shown in the Office Action that a serious burden would be required to examine the pending claims of Inventions I, II and III, respectively, in the instant patent application. Specifically, M.P.E.P. §803 provides:

If the search and examination of an application can be made without serious burden, the Examiner **must** examine it on the merits, even though it includes claims to distinct or independent inventions.

Thus, for a *Restriction Requirement* to be proper, the following two criteria must be satisfied: (1) the existence of independent and distinct inventions (35 U.S.C. §121); and (2) that the search and examination of the entire application cannot be made without serious burden in the matter. *See* M.P.E.P. §803. It is believed apparent from the similarity of the subject matter of the various claims that it would not be a serious burden to search and examine all of the pending claims together. Consequently, reconsideration and modification or withdrawal of the *Restriction Requirement* to this extent is requested.

Respectfully submitted,



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